IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

MFA.No. 853 of 2000(B)

OPMV.1388/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
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APPELLANT:

A.K.RADHAKRISHNAN, S/O. LATE N.T. KUNHIKANNAN NAMBIAR,
43 YEARS, SHANTHI NIVAS,
CHITTARIPARAMBA P.O.,
CHITTARIPARAMBA, THALASSERY.

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS:
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1. MAROLI SURENDRAN, VACHALI HOUSE,
PAZHAYA NIRATH, P.O. AMBILAD,
KUTUPARAMBA, KANNUR DIST.

2. NATIONAL INSURANCE CO. LTD.,
NARANGAPPURAM, THALASSERY.

3. U.P.MUKUNDAN, S/O.KRISHNAN,
KANNORA HOUSE, P.O., CHITTARIPARAMBA,
THALASSERY TALUK, KANNUR DIST.

4. VACHAMPALLY KUMARAN,
MEETHALEPURAYIL HOUSE,
P.O., KUTTUPARAMBA,
THALASSERY TALUK.

5. UNITED INDIA INSURANCE CO., LTD.,
THALASSERY.

BY ADV. SRI.M.A.GEORGE FOR R2 & R5

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 15/10 / 2000 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

J.B.KOSHY & K. HEMA, JJ.

M.F.A. No. 853 of 2000

Dated this 15th day of October, 2007

JUDGMENT

Koshy,J:

The appellant suffered fracture of right elbow in a motor accident. The Tribunal found that the accident occurred due to the negligence of both the drivers of the vehicles involved in the accident. Therefore, their Insurance companies, respondents 2 and 5, were asked to deposit the compensation. But against the claim of compensation of Rs.4,31,000/- Tribunal has awarded only Rs.61,200/- with interest at 12% from the date of petition. The petition was filed on 3.3.1995 and award was passed on 31.1.2000. He was an employee of the North Malabar Gramin Bank and his employment was not affected. Even though he stated in chief-examination that no reimbursement of medical expenses were made, in cross-examination he admitted that part of the amounts were reimbursed. Since his employment was not lost due to the accident, he cannot be granted actually compensation for loss of employment as compensation is granted only to offset the damages caused in the

accident. The amount of Rs.61,200/- with 12% interest from the date of application granted by the Tribunal cannot be said to be very low. Just and reasonable compensation was awarded.

Appeal is dismissed.

J.B. KOSHY, JUDGE.

K. HEMA, JUDGE.

Krs.

J.B.KOSHY & K. HEMA, JJ.

M.F.A. No. 853 of 2000

15th day of October, 2007

JUDGMENT